

REMARKSThe drawings

The Examiner has objected to the absence of drawings showing various aspects of the claimed invention.

Applicant respectfully requests reconsideration of this objection on the grounds that this application represents the U.S. national stage of an international application, and that, the Patent Cooperation Treaty requires that "[n]o national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided by this Treaty and the Regulations." PCT Article 27(1).

Appendix T
Article 7 > drawings must show
important
subject
matter

The specification

The Examiner has suggested adding headings to the specification, and that has been done by the present amendment.

The claims

The Examiner has rejected the claims herein as unpatentable under §§ 102 or 103 over European Patent No. EP0 322 194 to Ledergerber or the U.S. patents of Berg, Taylor, Georgiade, Kawaguchi, Chapman or Hang-Fu.

Claim 1 has been here amended to clearly recite an implant which comprises a

plurality of structural elements composed of a pliable foil having a thickness of 10 to 200 um, and having a surface that is wettable by a fluid lubricant. Claim 1 as amended clearly distinguishes over the prior art references.

Ledergerber shows an implantable prosthetic device, but there is no suggestion of a pliable foil material having the thickness of 10-200 micrometers which is wettable with a lubricant. Claim 1 therefore distinguishes over Ledergerber.

Berg shows an injectable composition of polymeric bodies ranging in size from .005 to 0.20 inches. Berger does not suggest the use of a foil, nor does it suggest anything in the range of size claimed. Claim 1 therefore also distinguishes over Berg.

Georgiade shows simply a mammary prosthesis which contains gel, not foil of a thickness of 10 to 200 microns as claimed.

Taylor similarly shows a hydrogel material used for a breast implant, not foil of a thickness of 10 to 200 microns as claimed.

Hang-Fu shows a prosthesis containing human adipose tissue. There is again no teaching of foil of the claimed thickness with a surface that is wettable by a liquid lubricant.

Chapman and Kawaguchi discuss plastic contact lenses. These are not implants and are therefore not analogous art for citation here. Furthermore, it is believed that even if the material were similar to the implant herein, the range of thickness of a contact lens is nowhere between 10 to 200 micrometers, as it would not provide any

optical benefits, nor would it be capable of resisting certain pressures in the environment of the eye, in particular the movement of the eyelid over the lens.

Claim 1 therefore distinguishes over all the cited prior art, and allowance thereof is respectfully requested. Claims 2 and 5 to 18 depend directly or indirectly from claim 1 and should therefore be allowable therewith over the prior art.

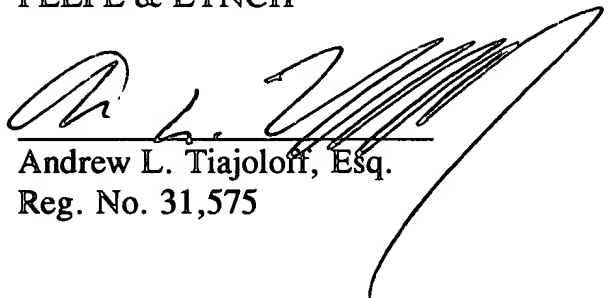
New independent claim 19 has been added which recites an implant which includes structure similar to that of claim 1, and distinguishes over the prior art for similar reasons. Claim 19 and its depending claims 20 to 22 are therefore also believed to be allowable over the prior art of record.

The claims herein having been shown to distinguish over the prior art in structure, function and result, formal allowance is respectfully requested.

Should any questions arise, the Examiner is invited to telephone attorney for applicant at 212-688-9200.

Respectfully submitted.

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